

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Deborah Lokke,

Case No. _____

Plaintiff,

NOTICE OF REMOVAL

v.

ADESA Minnesota, LLC d/b/a
ADESA Minneapolis,

Defendant.

Defendant ADESA Minnesota, LLC d/b/a ADESA Minneapolis, by and through its undersigned counsel, as and for its Notice of Removal of an action venued in the Fourth Judicial District Court, Hennepin County, Minnesota to the United States District Court, District of Minnesota, states:

REMOVAL IS TIMELY

1. On March 31, 2021, through service of a Summons and Complaint, Plaintiff Deborah Lokke (“Plaintiff”) commenced an action against ADESA Minnesota, LLC d/b/a ADESA Minneapolis, in the Fourth Judicial District Court, Hennepin County, Minnesota. A true and correct copy of the Summons and Complaint is attached as Exhibit 1.

2. This Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of the date that ADESA Minnesota, LLC d/b/a ADESA Minneapolis was served with the Summons and Complaint.

REMOVAL IS PROPER BASED ON DIVERSITY JURISDICTION

The Amount in Controversy Exceeds \$75,000

3. In the Complaint, Plaintiff alleges she has been “damaged and injured in an amount greater than \$50,000.00.” (Ex. 1, Compl.)

4. Plaintiff alleges she has been caused to “incur medical and chiropractic expenses for the treatment of her injuries; has in the past and will in the future incur a loss of earnings and earning capacity; had in the past and will in the future suffer physical and mental pain...”.

5. Upon information and belief, Plaintiff is claiming damages that exceed \$75,000.

The State Court Action Is Between Citizens of Different States

6. Upon information and belief, Plaintiff is a Minnesota resident.

7. ADESA Minnesota, LLC d/b/a ADESA Minneapolis is wholly owned by its single member, ADESA, Inc., which is incorporated in Delaware and maintains its principle place of business in Indiana. Accordingly, ADESA Minnesota, LLC d/b/a ADESA Minneapolis, is a citizen of Delaware and Indiana, and is not a citizen of Minnesota.

8. “An LLC's citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members.” *OnePoint Sols., LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007) (citing *GMAC Commercial Credit LLC v. Dillard Dept. Stores, Inc.*, 357 F.3d 827, 829 (8th Cir.2004)). Defendant ADESA Minnesota, LLC d/b/a ADESA Minneapolis is wholly owned by its single member, ADESA, Inc., which is incorporated in Delaware and maintains its principal place of business in Indiana. Accordingly, for purposes of diversity jurisdiction, ADESA Minnesota, LLC d/b/a ADESA Minneapolis is a citizen of Delaware and Indiana, and is not a citizen of Minnesota.

Diversity Jurisdiction Exists

9. As set forth in Paragraphs 6, 7, and 8 above, this Court has diversity jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1332, and the action that Plaintiff served in State Court is properly removable under 28 U.S.C. § 1441.

DEFENDANT HAS COMPLIED WITH THE REMOVAL PROCEDURES

10. As required by 28 U.S.C. § 1446(a), ADESA Minnesota, LLC d/b/a ADESA Minneapolis has attached as Exhibit 1 to this Notice of Removal a copy of all process, pleadings and orders served upon it relating to the State Court action.

11. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served upon Plaintiff, by and through her counsel of record, and with the Clerk of the Fourth Judicial District Court, Hennepin County, Minnesota, the State Court under which Plaintiff initially commenced an action against ADESA Minnesota, LLC d/b/a ADESA Minneapolis.

DEFENDANT PRESERVES ALL DEFENSES

12. The Answer of ADESA Minnesota, LLC d/b/a ADESA Minneapolis or other response to the Complaint was not due prior to filing this Notice of Removal. By filing this Notice of Removal, ADESA Minnesota, LLC d/b/a ADESA Minneapolis does not waive any defense or counterclaim that may be available to it including jurisdictional defenses. As required under Fed. R. Civ. P. 81(c)(2), ADESA Minnesota, LLC d/b/a ADESA Minneapolis will respond to the Complaint within the time set forth therein, unless an extension of the deadline is properly obtained pursuant this Court's approval.

WHEREFORE, ADESA Minnesota, LLC d/b/a ADESA Minneapolis respectfully removes the above-referenced cause of action from the Fourth Judicial District Court,

Hennepin County, Minnesota to the United States District Court of Minnesota, submits that no further proceedings be had in Minnesota State Court, and requests such other and further relief as is necessary and proper.

Dated: April 30, 2021

/s/ Kaylin C. Schmidt

Mark A. Solheim (#0213226)

Kaylin C. Schmidt (#0397608)

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